

THE HONORABLE JAMAL N. WHITEHEAD

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

IN RE VALVE ANTITRUST
LITIGATION

No. 2:21-cv-00563-JNW

**JOINT STIPULATION REGARDING
DISCOVERY**

This Filing Relates to:

NOTE ON MOTION CALENDAR:

Consumer Plaintiffs

July 23, 2025

Between July 2022 and March 2025, Defendant Valve Corporation (“Valve”) and Counsel for the Publisher Class completed fact discovery in the Publisher case. In total, the parties produced over 2.6 million documents; conducted depositions of 41 fact witnesses, including 23 current or former Valve employees; and issued approximately 94 subpoenas to third parties. On May 2, 2025, this Court appointed Cohen Milstein Sellers & Toll PLLC, attorneys for the *Hepler* Plaintiffs, as Interim Lead Class Counsel for the putative Consumer Class. *See* Dkt. # 441. On June 2, 2025, Interim Lead Class Counsel for the putative Consumer Class and Counsel for Valve filed a joint stipulation and proposed order regarding the scheduling of a Consolidated Amended Complaint for the Consumer Class, and Valve’s Answer or response otherwise thereto, *see* Dkt. # 457, which the Court granted, *see* Dkt. # 459. To streamline discovery as to the putative Consumer Class, the parties have met and conferred, and hereby stipulate and agree to the following:

Joint Stipulation Regarding
Discovery

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1 **1. Discovery Completed as to the Publisher Class.** To avoid duplicative or
2 cumulative discovery in this case, Interim Lead Class Counsel for the putative Consumer Class
3 may receive or access discovery completed by the parties as to the Publisher Class by coordinating
4 with Counsel for the Publisher Class and receiving those documents or access thereto directly.
5 Once those documents have been transmitted or access to those documents has been granted, they
6 will be deemed produced to the putative Consumer Class. The discovery that Interim Lead Class
7 Counsel for the putative Consumer Class may receive or access includes: documents and data
8 produced by the parties; documents produced or designated as CONFIDENTIAL or HIGHLY
9 CONFIDENTIAL – ATTORNEY’S EYES ONLY by third parties (including deposition
10 transcripts referencing third-party materials), as agreed by those third parties or as directed by the
11 Court; and party deposition transcripts. To the extent further discovery is warranted, it shall not
12 be duplicative of the discovery already transmitted pursuant to this stipulation.

13 **2. Discovery as to the Consumer Class.** Certain documents within productions
14 made to the Consumer Class, data produced to the Consumer Class, and depositions taken by
15 Counsel for Valve or for the putative Consumer Class may be responsive to Requests for
16 Production served by the Publisher Class. Consistent with the requirements of Rule 26, Counsel
17 for Valve and Counsel for the Publisher Class will meet and confer regarding a methodology to
18 appropriately identify such materials on a rolling basis as discovery develops in the Consumer
19 Case, and on how such materials shall be produced to the Publisher Class. This stipulation is
20 without prejudice to additional discovery access either Valve or the Publisher Class may seek.

21 **3. Notice.** Within three (3) business days of receiving documents produced in
22 litigation by any Party or third party from Counsel for the Publisher Class, Interim Lead Class
23 Counsel for the putative Consumer Class shall notify Valve in writing of the Bates ranges of said
24 documents. Within three (3) business days of receiving deposition transcripts from Counsel for the
25

1 Publisher Class, Interim Lead Class Counsel for the putative Consumer Class shall identify such
2 deposition transcripts to Valve.

3
4 **4. Third-Party Discovery.** Except for the notice provisions above, this Stipulation
5 shall not affect Valve's or the putative Consumer Class's rights with regard to third party
6 discovery, including the putative Consumer Class's right to seek previously produced discovery
7 material from third parties in this litigation. This Stipulation does not affect any third party's rights
8 with respect to this litigation.

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10 **5. Protective Order.** For clarity, the protective orders entered in this case, *see, e.g.*,
11 Dkts. # 95, 135, 139, 154, 155, 159, shall bind all counsel of record, including Interim Lead Class
12 Counsel for the putative Consumer Class and counsel to whom work is assigned by Interim Lead
13 Class Counsel for the putative Consumer Class pursuant to this Court's Order, Dkt. # 441, at 11.
14 To the extent discovery material is disclosed to Interim Lead Class Counsel for the putative
15 Consumer Class pursuant to this Stipulation, the putative Consumer Class shall be deemed a
16 "receiving party" for purposes of those orders. For the avoidance of doubt, exchange of
17 documents, data, or communications containing material designated CONFIDENTIAL or
18 HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY under those orders shall not be
19 deemed a "disclosure" for purposes of those orders.

20
21 **6. Sealed Record Access.** The Parties further stipulate that good cause exists for
22 Interim Lead Class Counsel for the putative Consumer Class to access all unredacted versions of
23 filings maintained under seal on the consolidated docket in *In re Valve Antitrust Litigation*,
24 No. 2:21 cv-00563 (W.D. Wash.). The parties stipulate that Counsel for the Publisher Class and
25 Valve may transmit sealed filings to Interim Lead Class Counsel for the putative Consumer Class,
26 and that, on judicial approval of this stipulation, the Clerk of Court shall grant Interim Lead Class
Counsel for the putative Consumer Class access to the docket entries set forth in the attached List

of Sealed Filings and all future sealed filings in the Publisher Class litigation, absent independent grounds for additional protection pursuant to the Court's Protective Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 23rd day of July, 2025.

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED this ____ day of _____, 2025.

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The Honorable Jamal N. Whitehead
7 UNITED STATES DISTRICT JUDGE
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